

REMARKS

In response to the Office Action, Claims 1, 2, 5, 6, 7 and 10 are amended. Claims 1-10 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendment and the following remarks.

I. Objection to the Specification

The specification was objected to because of a typographical error in paragraph [0053] beginning at page 15, line 22. The specification has been amended to correct this typographical error. Withdrawal of the objection is respectfully requested.

II. Claims Rejected Under 35 U.S.C. §112

Claims 2 and 7 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants have amended Claims 2 and 7 to overcome this rejection. The amendments more clearly point out that the intrusion detection rule is changed into a new intrusion detection rule, and that the replicas recited in Claims 2 and 7 are the replicas of the new intrusion detection rule. Accordingly, withdrawal of the §112 rejection is respectfully requested.

III. Claims Rejected Under 35 U.S.C. §103

A. Claims 1-4 and 6-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of U.S. Patent No. 5,359,730 issued to Marron (“Marron”) in view of U.S. Patent No. 7,024,694 issued to Ko (“Ko”).

To establish a *prima facie* case of obviousness, the Examiner must show the cited references, combined, teach or suggest each of the elements of a claim.

Independent Claims 1 and 6, as amended, recite the elements of “generating a replica of the intrusion detection rule,” and “changing the replica of the intrusion detection rule into a new intrusion detection rule.” Applicants submit that the combination of Marron in view of Ko does not teach or suggest at least these elements.

Marron discloses a switchover operation between a new program and an old program (Figure 1). However, Marron does not disclose the generation of a replica of the old program

before the switchover operation. In Figure 1 of Marron, program A and program B are two different old programs, and program A' and program B' are two different new programs. Marron does not disclose generating a replica of any of the new or old programs. Further, the switchover operation disclosed by Marron does not involve changing the replica of any of the programs.

Ko is relied on for disclosing the intrusion detection rule. However, Ko also does not disclose generating a replica of an old instruction detection rule, and changing the replica of the intrusion detection rule into a new intrusion detection rule.

Moreover, Claims 1 and 6 are amended to recite that the request for changing the intrusion detection rule comes from, or originates from, the user area. This amendment is supported by the specification at paragraphs [0028] and [0034].

For at least the foregoing reasons, Applicants submit that Claims 1 and 6 are non-obvious over Marron in view of Ko. Claims 2-4 and 7-9 depend from Claims 1 and 6, respectively, and incorporate the limitations thereof. Thus, for at least the reasons mentioned above, these claims are non-obvious over Marron in view of Ko. Accordingly, reconsideration and withdrawal of the §103 rejection of Claims 1-4 and 6-9 are respectfully requested.

B. Claims 5 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Marron (presumably, and Ko) and further in view of Ph.D. thesis by Stoica entitled “Stainless Core: A Scalable Approach for Quality of Service in the Internet”, Publication date: December 15, 2000 (“Stoica”).

Claims 5 and 10 depend from Claims 1 and 6, respectively, and incorporate the limitations thereof. Thus, for at least the reasons mentioned above, these claims are non-obvious over Marron and Ko.

Stoica is relied on for disclosing information transfer between a kernel area to an application program of a host. However, Stoica does not cure the deficiency of Marron and Ko. Stoica does not disclose generating a replica of an old instruction detection rule, and changing the replica of the intrusion detection rule into a new intrusion detection rule.

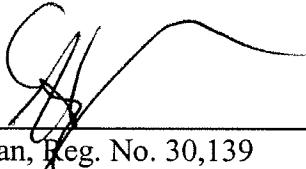
For at least the foregoing reasons, Claims 5 and 10 are non-obvious over Marron in view of Ko and further in view of Stoica. Accordingly, reconsideration and withdrawal of the §103 rejection of Claims 5 and 10 is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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